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## PART I—Section 3

**Notifications relating to Non-Statutory Rules, Regulations, Orders and Resolutions issued by the Ministry of Defence****MINISTRY OF DEFENCE***New Delhi, the 27th January 1951*IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT,  
1890

AND

IN THE MATTER OF THE ARMY OFFICERS BENEVOLENT  
FUND.

**No. 115.—WHEREAS** THE ADJUTANT GENERAL, Indian Army, acting in the administration of the Fund mentioned above and as the person who proposes to apply the Fund in trust for charitable objects has applied for vesting the Fund mentioned in the Schedule 'A' hereto in the Treasurer of Charitable Endowments for India and for the settlement of a Scheme for the administration of the said Fund.

IT IS HEREBY notified that the Central Government in exercise of the powers conferred by sections 4 and 5 of the Charitable Endowments Act, 1890 (VI of 1890), and upon the application as aforesaid and with the concurrence of the said Adjutant General doth hereby order and direct that the monies set out in Schedule 'A' hereto shall as from the publication of this notification vest and be henceforth vested in the Treasurer of Charitable Endowments for India to be held by him and his successors in office (subject to the provisions of the Charitable Endowments Act, 1890, and the rules from time to time to be framed thereunder by the Central Government) upon trust to hold the said monies and the income thereof in accordance with the trusts and terms set out in the Scheme set forth.

AND IT IS HEREBY further notified that the Scheme set forth below has, under sub-section (1) of Section 5 of the said Act, been settled for the administration of the said endowment and under sub-section (3) of the said section 5 of the said Act, it is hereby further ordered that it shall come into force from the publication of this notification.

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT,  
1890

AND

IN THE MATTER OF THE ARMY OFFICERS BENEVOLENT  
FUND*Scheme for the Administration of the Fund above  
mentioned*

1. **Definitions.**—Unless there is anything repugnant to the subject or context in the scheme,

(a) "Defendant" means such relations of the subscriber to the fund as are included in the term "Defendant" as defined in the Pension Regulations.

(b) "Family" means wife and children of the subscriber.

**Notes.**—(i) "Children" means legitimate children.

(ii) An adopted child shall be considered to be a child if the Chairman of the General Committee in consultation with the Solicitor to the Government of India is satisfied that under the personal law of the subscriber, adoption is legally recognised as conferring the status of a natural child.

(iii) The term wife and widow includes wives and widows.

(c) "Fund" means the Army Officers Benevolent Fund.

(d) "Officer" means the serving Permanent Regular Commissioned Officer of the Regular Army.

(e) "Secretary/Treasurer" means Secretary/Treasurer of the Fund.

(f) "Year" means a financial year.

2. **Objects.**—The objects of the Fund shall be as follows:—

(a) To afford financial relief or assistance to deserving cases of:—

(i) Widows, children and other dependants of the deceased subscriber.

(ii) Wives, children and other dependants of the missing subscriber.

(iii) Subscribers who sustain permanent or partial disability which renders them incapable of earning an adequate living, and

(iv) Subscribers who are in distress.

(b) The doing of all other things which are incidental to the above objects or any of them.

3. **Extent.**—The objects of the Fund shall extend to any place or places whether in India or elsewhere.

4. **Assets of the Fund.**—In addition to the monies particulars whereof are given in Schedule A hereto the assets of the Fund shall include compulsory quarterly subscriptions from all serving Permanent Regular Commissioned Officers as well as voluntary donations and endowments whenever given or received.

5. **Subscriptions by Officers.**—Every serving permanent regular commissioned officer of the Army shall pay a quarterly subscription based on the actual rank for which pay is drawn during the last day of the quarter preceding that for which payment is made. No readjustment will subsequently be made on account of promotions, reversions, etc. of an officer notified later. Payment of subscription shall cease when the Officer is removed, cashiered, dismissed or retired from service and also on resignation or relinquishment of commission. Contributions made will not be refunded. The quarterly rate of subscription shall be as under:—

Rs.

2/Lieut.	...	...	...	...	6
Lieut.	...	...	...	...	6
Capt.	...	...	...	...	9
Major.	...	...	...	...	12
Lt.-Col.	...	...	...	...	15
Col.	...	...	...	...	18
Brig.	...	...	...	...	21
Maj.-Gen.	...	...	...	...	24
Lt.-Gen.	...	...	...	...	27
General.	...	...	...	...	30

6. **Collection of Subscription.**—Subscription at the rates referred to above will be recovered quarterly by the Field Controller of Military Accounts, Poona, by making deductions from the pay and other emoluments payable to the Officer.

7. **Remittance of Subscription.**—The amount of subscription collected by the Field Controller of Military Accounts, Poona, shall be credited each quarter to the

Army Officers Benevolent Fund Account kept in the Imperial Bank of India, New Delhi, or any other Bank approved by the General Committee. Such credit shall be notified by the Field Controller of Military Accounts to the Secretary/Treasurer of the Fund. A nominal roll showing the account number, the rank and the name of the Officer and the amount recovered from him will also be forwarded by the Field Controller of Military Accounts to the Secretary/Treasurer of the Fund.

8. *Vesting of Assets.*—The assets of the Fund including those particulars whereof are set out in Schedule A hereto shall be vested in the Treasurer of Charitable Endowments for India under the Scheme.

9. *Treasurer's position.*—The Treasurer of Charitable Endowments shall not act in the management or administration of this Fund, but such management and administration shall be by the General Committee as hereinafter mentioned.

10. *General Committee.*—For the management and administration of the Fund a General Committee shall be constituted consisting of the following members, namely:—

- (a) Adjutant-General.
- (b) Director of Personal Services.
- (c) An Officer of Army Headquarters (not below the rank of Colonel) appointed by each of the following:—  
Chief of the General Staff  
Quarter Master General  
Master General of the Ordnance  
Engineer-in-Chief  
Director of Medical Services, and
- (d) Secretary/Treasurer.

11. *Chairman and Vice-Chairman.*—The Adjutant-General and the Director of Personal Services shall respectively be the *ex-officio* Chairman and Vice-Chairman of the General Committee.

12. *Provision regarding the Members of the General Committee.*—(i) Where a person becomes a member of the General Committee by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(ii) Subject to preceding clauses a member of the General Committee shall cease to be such member if he shall die, resign, become of unsound mind, become insolvent, be convicted of a criminal offence involving moral turpitude, or is removed by the Central Government or is transferred from Army Headquarters.

(iii) A resignation of membership shall be tendered to the Chairman of the General Committee and shall not take effect until it is accepted on behalf of the Committee by the Chairman.

(iv) Any vacancy in the General Committee caused by any of the reasons mentioned in the above sub-clauses shall be filled up by nomination, appointment or otherwise as circumstances of the case may require.

(v) Subject to the above, the appointment to the General Committee, the mode of their appointment, their tenure of office and other matters of and incidental thereto shall be determined by the bye-laws framed in respect of the same.

13. *Conduct of Business.*—The General Committee may meet together for the conduct of business adjourn and otherwise regulate its meetings and proceedings as may be determined by the bye-laws. Unless otherwise determined, three members shall be a quorum. A meeting of the General Committee at which a quorum is present shall be competent to exercise all or any of the functions of the Committee. Every matter shall be determined by a majority of votes of the members present and voting on the question. The Secretary/Treasurer shall have no right to vote. In case of equality of votes, the matter shall be decided according to the vote of the Chairman.

14. *Management of the Fund.*—Subject to any general or special directions given by the Central Government the general management of the affairs of the Fund shall be vested in and rest with the General Committee.

15. *Functioning by General Committee.*—The General Committee shall function notwithstanding that any person who is entitled to be a member by reason of his office is not a member for the time being and notwithstanding any other vacancy in the General Committee and no act or proceeding of the General Committee shall be invalid merely by reason of the happening of any of the above events or of any defects in the appointment of any member of the General Committee.

16. *Framing of Bye-Laws.*—The General Committee may make bye-laws for the regulation, management

and any other purpose connected with the execution of the Fund and the trusts thereof and may alter, vary or rescind the same from time to time.

17. *Appointment of Committees.*—The General Committee may appoint one or more Committees and such officers and staff as may be considered necessary.

18. *Delegation of Powers.*—The General Committee may delegate any of its powers to any Committee or to any one or more members of the Committee. The General Committee or any other Committee so appointed may also delegate any power to one or more of its members so far as such delegation relates, in the opinion of the General Committee or such other committee, as the case may be, to merely ministerial acts and involves no discretion or is necessary and conformable to common usage.

19. *Members of the General Committee not entitled to remuneration.*—Members of the General Committee or any other Committee appointed as aforesaid other than the Secretary/Treasurer of the General Committee or such other Committee shall not be entitled to any remuneration but shall be entitled to be reimbursed their actual travelling expenses in respect of journeys to attend the meetings of the General Committee or other Committee or journeys undertaken by them for the purposes of the Fund.

20. *Appointment of Staff.*—A competent Secretary/Treasurer and such other officers and staff as the General Committee may consider necessary shall be appointed by the General Committee and their remuneration, terms of appointment etc. shall be fixed by that Committee.

21. *Deposit of Moneys.*—Unless otherwise determined by the General Committee all moneys received from the subscribers or other sources shall be deposited with the Imperial Bank of India, New Delhi, or any other Bank approved by that Committee, in current or other accounts.

22. *Accounts and Audit.*—Regular accounts shall be kept of all moneys and properties belonging to the Fund and shall be audited by the Auditors appointed by the General Committee.

23. *Contracts.*—All contracts relating to the administration of the Fund shall be expressed to be made in the name of the General Committee of the Fund and signed on its behalf by either the Chairman or the Vice-Chairman and shall also be countersigned by the Secretary/Treasurer of the Fund.

24. *Use of the Fund.*—It shall be lawful for the General Committee to expend for the objects of the Fund as mentioned above the income of the moneys and properties of the Fund or any part thereof and in case the same be not sufficient to expend the corpus of the Fund not exceeding in any year 10 per cent. of the amount for the time being standing to the credit of the Fund. The Committee may at its sole and absolute discretion expend in any year more than 10 per cent. of the said amount with the consent of at least 2/3rds of the members of the Committee for the time being present at the meeting. The Treasurer of Charitable Endowments for India shall apply the moneys and properties of the Fund or income thereof in accordance with the directions of the General Committee given from time to time.

25. *Sale and Investment of Moneys.*—It shall be lawful for the General Committee to direct the Treasurer of Charitable Endowments for India to sell or otherwise dispose of any property of the Fund vested in him and invest the proceeds or other disposal of the property as well as any moneys or property not immediately required to be used for the objects of the Fund as mentioned above in any one or more of the modes of investment for the time being authorised by law for the investment of trust moneys as the General Committee may think proper and the Treasurer of Charitable Endowments for India shall carry out such directions.

26. *Persons to benefit from the Fund.*—Persons who are eligible to derive benefit under this Scheme shall be officers who have subscribed to the Fund during their service and members of their family and their dependants as the case may be.

27. *Receipt of Additional Endowments.*—The General Committee may receive any additional endowments, donations or other contributions in augmentation of any of the moneys and properties of the Fund or for general purposes of the Fund. It may also receive endowments, donations or other contributions for any special purpose connected with this scheme not inconsistent with or calculated to impede the due working of the provisions of this scheme.

#### *Schedule 'A'*

A cash endowment of Rs. 49,633 from the Adjutant General's Welfare Fund deposited in current account with the Imperial Bank of India, New Delhi.

H. M. PATEL, Secy.